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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CORY ELLINGS, Individually and On Behalf
of Others Similarly Situated,

Plaintiff

v.

KINROSS GOLD U.S.A., INC.,

Defendant.

Case Number
2:25-cv-00098-RFB-EJY

**STIPULATION FOR EXTENSION OF
TIME FOR DEFENDANT KINROSS
GOLD U.S.A., INC. TO FILE ITS
RESPONSIVE PLEADING TO
PLAINTIFF'S ORIGINAL CLASS AND
COLLECTIVE ACTION COMPLAINT
(Second Request)**

COMES NOW, pursuant to LR IA 6-1, Plaintiff Cory Ellings (“Plaintiff”) and Defendant Kinross Gold U.S.A., Inc. (“Defendant” or “KGUSA”), by and through their respective undersigned counsel of record, hereby stipulate and agree that the responsive pleading deadline for Defendant, which is currently set for March 12, 2025, be extended until March 26, 2025. This extension is needed to continue discussions with counsel for Plaintiff concerning Defendant’s

1 impending motion to dismiss pursuant to F.R.C.P. 12(b)(1) and 12(b)(6), naming the correct
2 defendant (which KGUSA contends is Round Mountain Gold Corporation (“RMGC”)),
3 potentially moving to stay the case pending the outcome of a motion to dismiss, and streamlining
4 the litigation.

5 The Parties initially conferred regarding the alleged improper defendant issue over
6 Microsoft Teams on February 10, 2025 and agreed to an extension of time to further confer. As
7 background on the Parties’ conferral efforts after obtaining the first extension on February 13,
8 2025 (ECF No. 19), counsel for KGUSA sent an email explaining in detail why KGUSA is not
9 the proper defendant in this lawsuit and requested that Mr. Ellings re-file the complaint against
10 RMGC and to dismiss KGUSA as a party. On March 9, 2025, counsel for KGUSA sent an email
11 to Mr. Ellings’ counsel reiterating that this action cannot move forward against KGUSA and
12 without naming RMGC as the defendant, and raised that KGUSA intended to move to stay
13 pending the outcome of a motion to dismiss. Counsel for KGUSA sent a follow-up email on
14 March 11, 2025 asking for Mr. Ellings’ position on the motion to dismiss and motion to stay. On
15 March 12, 2025, counsel for Mr. Ellings responded that he is out of office but would be willing
16 to extend the deadline another two weeks to finish conferrals.

17 The Parties have agreed to schedule a telephone conference to meaningfully discuss
18 resolving the issues without the necessity of court intervention during the extension period. With
19 the new responsive pleading deadline of March 26, 2025, the Parties have acknowledged that
20 KGUSA will also require a short extension to file a Reply brief in support of its motion to dismiss
21 (if any) due to counsel for Defendant’s deposition schedule in another case. The Parties intend
22 to file another stipulation with respect to the agreed-upon extension for KGUSA’s Reply brief in
23 support of its motion to dismiss.

24 This is the Parties’ second stipulation for an extension for Defendant to respond to
25 Plaintiff’s complaint. Counsel for Defendant prepared this Stipulation with the consent of counsel
26 for Plaintiff. This Stipulation is made in good faith and not for the purposes of delay.

Date: March 12, 2025

Respectfully submitted,

JOSEPHSON DUNLAP, PLLC

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IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: March 12, 2025

Ascent Law, PC